

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID HERBERT,

Plaintiff,

No. 07-CV-13284-DT

vs.

Hon. Gerald E. Rosen

UNITED STATES DEPARTMENT  
OF EDUCATION, and SAINT MARY  
OF THE PLAIN COLLEGE, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND DENYING PLAINTIFF'S  
MOTION FOR JUDGMENT AND FOR SETTLEMENT, WITHOUT PREJUDICE

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on November 6, 2007

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This matter is presently before the Court on the October 4, 2007 Report and Recommendation of United States Magistrate Judge Charles E. Binder recommending that the Court find *pro se* Plaintiff David Herbert's Motion for Judgment and for Settlement, premature, inasmuch as not all Defendants have yet been served with process, and accordingly, deny Plaintiff's Motion, without prejudice; and no timely objections having been filed; and the Court having reviewed Plaintiff's Motion, the Magistrate Judge's R & R and the entire record of this matter, and being otherwise fully advised in

the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's October 4, 2007 Report and Recommendation be, and hereby is, ADOPTED by the Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Report and Recommendation, Plaintiff's Motion for Judgment and for Settlement, is DENIED, without prejudice.

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: November 6, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 6, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager

IT IS HEREBY